>**12.00 hrs.**

Title: Regarding appointment of Justice Venkatswami as Chairman, Advance Ruling Commission for Central Board of Excise and Customs (CBEC).

THE MINISTER OF FINANCE AND COMPANY AFFAIRS (SHRI JASWANT SINGH): Sir, with your permission, I wish to take this opportunity to clarify an issue. I would do this with your permission as I have to go to the other House.

MR. SPEAKER: Yes.

SHRI JASWANT SINGH: This is with respect to an issue which the hon. Member, Shri Dasmunsi raised just now and it dealt with my Ministry. I had no information on the subject at that time. The facts that I have ascertained in the interim of his raising this issue - and I am attempting to answer questions - are as follows:

Justice Venkatswami was appointed as Chairman, Advance Ruling Commission for CBEC in May, 2002. Now, the sequence of events that took place is like this. The Finance Minister had written to the Chief Justice of India in September, 2001 so that the Chief Justice could nominate a retired judge of the Supreme Court to the Commission. Now, the then Chief Justice of India recommended appointment of Justice Venkatswami. The ACC approved this appointment in April, 2002 and appointment orders in that regard were issued in May, 2002. The Ministry of Finance had acted exactly in accordance with the recommendations of the Chief Justice of India because there is no other way that this appointment could be madeâ€¦...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, there is the point. I have checked up with the Finance Ministry and the procedure which the Finance Minister is tellingâ€¦...(*Interruptions*)

MR. SPEAKER: Please let him complete. Let us hear what the Minister wants to say.

SHRI JASWANT SINGH: These are the facts that I have obtained between the period the hon. Member raised this issue and now. Should the hon. Members or should you or the House wish to discuss this appointment further, most definitely we, in the Finance Ministry, have no difficulty in discussing it. I only seek the indulgence of the hon. Member as also of the Chair because I have to go to the other House to respond to this very issue. Otherwise, I have volunteered to share the information.

MR. SPEAKER: That is good in a way.

SHRI PRIYA RANJAN DASMUNSI : Sir, I am thankful to the Minister for furnishing the information to the House. The Tehelka exposure came to light on 13th March, 2001. Justice Venkatswami was appointed after the resignation of Shri George Fernandes. In 2001, the Finance Ministry did recommend to the Chief Justice of India a few names alongwith the name of Justice Venkatswami. If I am wrong, you may correct me again. The Commission was appointed in May, 2002 when the trial of Tehelka was on. The Government did not object at any point of time including the Appointment Committee of Cabinet which cleared it. Does the credibility of Tehelka Commission stand anywhere now to expose the greatest scam on earth? That is the main question.

Now, the Minister may clarify whether the name was recommended by the Finance Ministry or not. Secondly, the ACC got the names knowing fully well that you had appointed him to inquire into the Tehelka matter. How can the ACC clear his name? That is the point you have to explain to the House.

SHRI JASWANT SINGH: I will respond to it. After all, I have volunteered information to the House and there is absolutely nothing wrong in it. The hon. Member has a viewpoint that this should not have been done. I made it quite clear that the appointment has been made strictly in accordance with the recommendations of the Chief Justice of Indiaâ€¦...(*Interruptions*)

SHRI BASU DEB ACHARIA (BANKURA): His name was recommended after he was appointed to inquire into Tehelka episode. How was his name recommended by the Finance Ministry? .....(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, the recommendation went from the Finance Ministry. My point is, whether his name was recommended by the Finance Ministry or not. Why is he taking the name of Chief Justice now? Has he recommended his name or not? According to my information, the recommendation went from the Finance Ministry.

You deny that you have not recommended his name. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : I would like to know from the Minister whether the Finance Ministry has recommended the name of Justice Venkataswami for appointment as Chairman after being given the charge to inquire Tehelka episode. ...(*Interruptions*)

श्री सत्यव्रत चतुर्वेदी (खजुराहो) : अध्यक्ष महोदय, सबसे बड़ी आपत्ति इस बात पर है कि जब वेंकट स्वामी कमीशन के तौर पर काम कर रहे थे तो उस समय उनको सुप्रीम कोर्टâ€¦ (व्यवधान) अध्यक्ष महोदय, यह सरकार इम्प्रॉपराइटी को इंस्टीट्यूशनेलाइज कर रही है।â€¦ (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : In what manner the entire Commission is working? Is there any credibility and transparency? ...(*Interruptions*)

MR. SPEAKER: Let me listen to the Minister. Please sit down.

...(*Interruptions*)

MR. SPEAKER: Let me listen to the Minister. Please sit down.

...(*Interruptions*)

MR. SPEAKER: Shri Basu Deb Acharia, I have not started a debate on this issue.

...(*Interruptions*)

SHRI JASWANT SINGH: It is because this refers to a period when I was not holding the portfolio of Finance, I am not able to respond immediately. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Did the Finance Ministry recommend his name or the Chief Justice appointed him *suo motu*? ...(*Interruptions*)

MR. SPEAKER: Mr. Minister, what is your suggestion? Do you want to reply to the queries after getting the detailed information about them.

(*Interruptions*)

SHRI JASWANT SINGH: Exactly. I tell you my difficulties. ...(Interruptions)

MR. SPEAKER: Shri Priya Ranjan Dasmunsi, whatever information he has got, he will give it to the House. He wants to bring further information to you.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : My question is simple. I would like to know whether the Finance Ministry recommended his name or the Chief Justice suo motu appointed him. ...(Interruptions)

SHRI JASWANT SINGH: I will ascertain the facts. ...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : The Government is badly exposed for its cover up on Tehelka episode. What can be a glaring example other than this? ...(Interruptions)

MR. SPEAKER: Mr. Minister, collect complete information and come back to the House, whenever it is convenient to you and to the Opposition. Then we can have a discussion.

...(Interruptions)

MR. SPEAKER: We can discuss this issue. We can fix up a time for discussion on this issue.